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09/973,626	01/10/2002	John David Taylor		8986

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EXAMINER

LABAZE, EDWYN

ART UNIT PAPER NUMBER

2876

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

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Commissioner for Patents

1. Acknowledged Interview _ The examiner is regretted any delay for not replying to the applicant's letter as a response to the the Office Action (paper # 9). It became clear during the telephone interview (assisted by Karl Frech) on 8/15/2003 that the pro-se inventor was not versed in Patent Law or Patent Office Procedure. Due to the applicant's lack of "understanding" and since applicant did file a letter dated 4/10/2003 in a timely manner, the examiner believes that the applicant did attempt to properly respond to the Office Action mailed on 1/16/2003.
2. The reply filed on 4/16/2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): A formal and proper amendment of the claims. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)..
3. Upon review and interview, it also became apparent that the claims as originally filled were too strewn with errors to be properly examined. The examiner therefore suggests the following claim (s) drafted by the examiner from all information as provided in the original presentation of claims and specifications [see claim(s) on pages # 2-3].
4. However, if the proposed claim(s) was/were to be officially presented by the applicant before the examiner for prosecution, they would be rejected as follow [see action on pages 4-5 of the correspondence].
5. Reasons for the "unofficial rejection(s)" _ The applicant, from the interview on 8/15/2003, did request for some help regarding the claims. The examiner complied to best of ability with that which is presented. It was also mentioned to the applicant that from the Office Rules and regulations, the examiner is not allowed to "invent", i.e. add new or non-previously claimed or specified elements onto the original specifications. However, not enough information in the original specification or claims were disclosed to allow for more detailed claims. therefore they were rejected.
6. Attorney_ Although suggesting attorney is normally reserved for pro-se applicant when examiner believes that applicant would benefit with the claimed invention (i.e. ultimately receive allowable claims), in the this case the applicant may wish to contact a patent professional (external the USPTO) for basic advice.

(see attached correspondence)

PROPOSED CLAIMS

What I (we) claim is:

1. A method of payment utilizing a magnetic strip cash card comprising:
 - a.) purchasing a cash card containing monetary value and a 20-digit tracking number,
 - b.) presenting said cash card for payment at an existing transaction terminal,
 - c.) receiving a receipt and card balance information at completion of a transaction.
2. The method of claim 1 further comprising:
reloading or adding to the value of the card.
3. The method of claim 1 further comprising:
using a barcode printed on the card when the magnetic strip is faulty.
4. A cash card comprising:
 - a.) a magnetic strip containing a 20-digit tracking number and a 4-digit market outlet tracking number and a PIN number,
 - b.) one or more barcodes printed on the card.

The examiner has best attempted to propose claims, which represent that which is currently (and originally) disclosed. The examiner cannot add any limitations or features to the disclosure. The applicant has not presented any specific relationship between the disclosed features or any specific method of use of the disclosed invention and the claims. If the applicant can think of any defining elements to add to claims, and can provide specific location within the original disclosure where such element can be identically found, these elements may also help to positively set forth the current invention.

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Also, although the examiner has included features, which have been disclosed, some of these elements are only very broadly recited and therefore cannot be further limited. Specifically, the 20-digit tracking number must be interpreted broadly by the examiner to be indicative of a number held within the magnetic strip. Same for the 4-digit digit market outlet tracking number. In other words, these two numbers held in the magnetic strip are interpreted merely as transaction related information of 20 digits and 4 digits in length.

The applicant has the right to decline the proposed claims and the applied rejections, or to change the proposed claims through amendments, which are due one month or 30 days from the mailing date of this correspondence, providing that the elements are specifically identified in the original disclosure of the claimed invention.

THIS IS NOT AN OFFICIAL REJECTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The proposed claims 1-2 would be rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al. (U.S. 5,721,768).

Re claim 1: Stimson et al. discloses pre-paid card system and method, which includes purchasing a cash card containing monetary value and a security number stored in the magnetic strip 20 (col.3, lines 62+; col.6, lines 25+), presenting said cash card for payment at an existing transaction terminal (col.5, lines 64-67; col.6, lines 1+), receiving a receipt and card balance information at completion of a transaction (col.7, lines 20+).

Stimson et al. fails to disclose a 20-digit tracking number.

However, since the card is required to store a security number or a string of number, the specific structure is obtained and falls within the engineering choice.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Stimson et al. a 20-digit tracking as a security number so as to monitor the usage and/or transactions of the card. Furthermore, the 20-digit tracking number is well known in the card issuing system and mostly includes a 16-digit account number and a 4-digit expiration date. In some other instances, the 20-digit tracking

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number is a string of number identifying some security features or a unique identifier associated with the card by the card issuer. Moreover, such modification would have been an obvious extension as taught by Stimson et al., therefore an obvious expedient.

Re claim 2: Stimson et al. teaches a system and method, further comprising of reloading or recharging/adding to the value of the card (col.5, lines 64+; col.7, lines 27+).

3. The proposed claims 3-4 would be rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al. (U.S. 5,721,768) in view of Sasou et al. (U.S. 5,661,289).

The teachings of Stimson et al. have been discussed above.

Stimson et al. fails to disclose one or more barcodes printed on the card.

Sasou et al. teaches card and card check method, which includes a cash card 101 with one or more barcodes 112, 114 printed on the card (see fig. # 1 of Sasou et al.; col.2, lines 45+).

In view of Sasou et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Stimson et al. one or more barcodes printed on the card so as to stricken the security of the card, prevent tampering and use of falsified documents. Furthermore, such modification would be also be advantageous to use of the card in the event the magnetic strip of the card is faulty or cannot be read. Moreover, such modification would have been an obvious extension as taught by Stimson et al., therefore an obvious expedient.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chiba et al. (U.S. 5,714,743) discloses card and card issuing apparatus.

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Han et al. (U.S. 6,135,355) teaches method and apparatus for impeding the counterfeit of cards, instruments and documents.

White et al. (U.S. 6,169,975) discloses point-of-distribution pre-paid card vending system.

Stimson et al. (U.S. 6,502,745) teaches pre-paid card system and method.

Wong et al. (U.S. 6,592,044) discloses anonymous electronic card for generating personal coupons useful in commercial and security transactions.

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Patent Examiner
Art Unit 2876
October 10, 2003



KARL D. FRECH
PRIMARY EXAMINER